

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-25452
William J. Leighton Judge: Poslusny

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 12/10/21
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JR Initial Debtor: WL Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 137.00 per month to the Chapter 13 Trustee, starting on
December 1, 2021 for approximately 56 more of 84 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☐ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 700*
DOMESTIC SUPPORT OBLIGATION		
		* does not include pending fees, fee app to be filed

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Freedom Mortgage	mortgage	\$5,158.96 per amended POC	NA	satisfied by loan modification	per contract
Rittenhouse at Locust Grove	HOA	\$5622.87		\$4,604.07 remaining; \$1,018.80 PTD	per contract

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Wells Fargo	2014 Dodge Ram	\$28,875.05	Vehicle totalled in accident, creditor's lien paid by insurance per Notice of Settlement filed 6/23/21

f. Secured Claims Unaffected by the Plan ☒ **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☐ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan
Wells Fargo Bank, N. A.	furniture	\$2057.95 (per poc) \$372.88 PTD, \$1685.07 remaining
TD Retail Card Services	furniture	\$364.00 (per poc) \$65.96 PTD, \$298.04 remaining

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 0 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal*, and *valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Mariner Finance	real property	judgment	\$2709	\$190,000	\$10,000	\$230,441	100% per prior confirmation order

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Joseph J. Rogers, Esquire
- 3) _____
- 4) _____

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 4/22/21.

Explain below **why** the plan is being modified:

Debtor's Dodge Ram was totalled and secured lender was paid in full by insurance company. Debtor also received a loan modification to address his post-petition mortgage arrears resulting from a forbearance.

Explain below **how** the plan is being modified:

Pre- and post-petition mortgage arrears removed from Part 4a. Dodge Ram is surrendered in Part 4e. Wells FargoBank, N.A. as secured auto creditor to receive no further payments on vehicle arrears. Trustee arrears capitalized into plan. Plan previously extended to 84 months; plan payments are now reduced accordingly.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 12/10/2021

/S/ William Leighton
Debtor

Date: _____

/S/
Joint Debtor

Date: 12/10/2021

/S/ Joseph J. Rogers
Attorney for Debtor(s)

In re:
William J Leighton
Debtor

Case No. 19-25452-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin

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Date Rcvd: Dec 13, 2021

Form ID: pdf901

Total Noticed: 42

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 15, 2021:

Recip ID	Recipient Name and Address
db	+ William J Leighton, 179 Pennsbury Lane, Woodbury, NJ 08096-5149
cr	+ FREEDOM MORTGAGE CORPORATION, Phelan Hallinan & Schmieg, PC, 1617 JFK Boulevard, Suite 1400, Philadelphia, PA 19103-1814
cr	+ Wells Fargo Auto, 2860 Patton Road, Roseville, MN 55113-1100
518399984	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank Of America, PO Box 15726, Wilmington, DE 19886-5726
518399983	+ Bank Of America, 4909 Savarese Circle, F11-908-01-50, Tampa, FL 33634-2413
518513826	+ FREEDOM MORTGAGE CORPORATION, FREEDOM MORTGAGE, Bankruptcy Department, 10500 KINCAID DRIVE, FISHERS IN 46037-9764
519351101	+ Freedom Mortgage Corporation, Attn: Bankruptcy Department, 10500 Kincaid Drive, Fishers, IN 46037-9764
518399993	+ Freedom Mortgage Corporation, Attn: Bankruptcy, Po Box 50428, Indianapolis, IN 46250-0401
518399994	+ Geico, One Geico Center, Macon, GA 31296-0001
518399995	+ Mariner Finance, Attn: Bankruptcy Department, 8211 Town Center Dr., Baltimore, MD 21236-5904
518399996	Mariner Finance LLC, 5851 Rt. 42, Plaza 42, Ste. 16, Turnersville, NJ 08012
518399997	Pennsylvania Depart. of Labor & Industry, Office of Unemployment Comp., PO Box 67503, Harrisburg, PA 17106-7503
518399998	Plusee, Becker & Saltzman, 20000 Horizon Way, Suite 900, Mount Laurel, NJ 08054-4318
518399999	+ Randolph Walzer & Associates LLC, 2042 W Country Line Rd Unit 8, PO Box 1234, Jackson, NJ 08527-0259
518400000	+ Raymour & Flanagan, Attn: Bankruptcy, Po Box 130, Liverpool, NY 13088-0130
518400001	+ Rittenhouse At Locust Grove HOA, Inc., 14000 Horizon Way Suite 200, Mount Laurel, NJ 08054-4342
518587008	+ Rittenhouse at Locust Grove Homeowners Association, c/o Richard B. Linderman ,Esquire, 214 Carnegie Center,Suite 112, Princeton NJ 08540-6237
518463891	+ TD Retail Card Services, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
518494237	+ Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh 27605-1000
518494238	+ Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh NC 27605-1000
518503060	Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
518400003	+ Wells Fargo Dealer Services, Attn: Bankruptcy, Po Box 19657, Irvine, CA 92623-9657
518400004	+ Wf/Fmg, Attn: Bankruptcy, Po Box 10438 Mac F8235-02f, Des Moines, IA 50306-0438

TOTAL: 23

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Dec 13 2021 20:26:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreregion03.ne.ecf@usdoj.gov	Dec 13 2021 20:26:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
518399982	+ Email/Text: djb@ansellgrimm.com	Dec 13 2021 20:26:00	Ansell Grimm & Aaron PC, 214 Carnegie Center, Suite 112, Princeton, NJ 08540-6237
518399985	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Dec 13 2021 20:35:30	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
518417277	+ Email/PDF: ebn_ais@aisinfo.com	Dec 13 2021 20:35:33	Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
518399986	+ Email/Text: bankruptcy.notifications@fisglobal.com		

District/off: 0312-1

User: admin

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Date Rcvd: Dec 13, 2021

Form ID: pdf901

Total Noticed: 42

		Dec 13 2021 20:26:00	ChexSystems, 7805 Hudson Road Suite 100, Woodbury, MN 55125-1703
518515954	Email/PDF: Citi.BNC.Correspondence@citi.com		
		Dec 13 2021 20:35:50	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
518399987	+ Email/PDF: Citi.BNC.Correspondence@citi.com		
		Dec 13 2021 20:35:37	Citibank/Best Buy, Attn: Bankruptcy, Po Box 790441, St. Louis, MO 63179-0441
518399988	+ Email/PDF: Citi.BNC.Correspondence@citi.com		
		Dec 13 2021 20:35:44	Citibank/The Home Depot, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
518399989	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM		
		Dec 13 2021 20:25:00	Comenity Bank/Pier 1, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
518399990	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM		
		Dec 13 2021 20:25:00	Comenity Capital/Zales, Attn: Bankruptcy Dept, Po Box 18215, Columbus, OH 43218
518399991	+ Email/PDF: creditonebknotifications@resurgent.com		
		Dec 13 2021 20:35:41	Credit One Bank, Attn: Bankruptcy Department, Po Box 98873, Las Vegas, NV 89193-8873
518399992	+ Email/PDF: Citi.BNC.Correspondence@citi.com		
		Dec 13 2021 20:35:50	Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
518473092	Email/PDF: resurgentbknotifications@resurgent.com		
		Dec 13 2021 20:35:34	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
518510010	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Dec 13 2021 20:35:48	Portfolio Recovery Associates, LLC, c/o Walmart, POB 41067, Norfolk VA 23541
518497086	Email/Text: bnc-quantum@quantum3group.com		
		Dec 13 2021 20:25:00	Quantum3 Group LLC as agent for, MOMA Trust LLC, PO Box 788, Kirkland, WA 98083-0788
518401633	+ Email/PDF: gecsed@recoverycorp.com		
		Dec 13 2021 20:35:30	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
518400002	+ Email/PDF: gecsed@recoverycorp.com		
		Dec 13 2021 20:35:39	Synchrony Bank/Walmart, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
518509028	+ Email/PDF: ebn_ais@aisinfo.com		
		Dec 13 2021 20:35:33	Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 19

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 15, 2021

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin

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Date Rcvd: Dec 13, 2021

Form ID: pdf901

Total Noticed: 42

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 10, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor FREEDOM MORTGAGE CORPORATION dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Joseph J. Rogers	on behalf of Debtor William J Leighton jjresq@comcast.net jjrogers0507@gmail.com
Matthew K. Fissel	on behalf of Creditor FREEDOM MORTGAGE CORPORATION wbecf@brockandscott.com matthew.fissel@brockandscott.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6